

APPEAL NO. 033174  
FILED FEBRUARY 2, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 13, 2003. The hearing officer decided that the date of injury was prior to \_\_\_\_\_, and therefore the 1989 Act does not apply to this case. The appellant (carrier herein) files a request for review, contending that the hearing officer's decision that the date of injury was prior to \_\_\_\_\_, is contrary to the evidence and that the hearing officer erred in not resolving the issue of the date of the injury. Neither the respondent (claimant herein) nor her attorney appeared at the CCH and there is no response to the carrier's request for review in the appeal file.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The present case is extremely similar to Texas Workers' Compensation Commission Appeal No. 033175, decided January 29, 2004. In fact other than the name of the claimant and a slight variation in the dates, which are not significant to the outcome to the case, this case is essentially the same case. The carrier appeals the decision of the hearing officer on essentially the same grounds. We, therefore, affirm for essentially the same reasons.

There was sufficient evidence in the record to support the finding of the hearing officer that the date of injury was prior to \_\_\_\_\_, the effective date of the 1989 Act. Once the hearing officer determined that the date of injury was prior to \_\_\_\_\_, she was without jurisdiction to determine anything else, including the exact date of injury. See Appeal No. 033175, *supra*, and citations therein.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **ACE INSURANCE COMPANY OF TEXAS (f/k/a CIGNA INSURANCE COMPANY OF TEXAS)** and the name and address of its registered agent for service of process is

**ROBIN MOUNTAIN  
6600 CAMPUS CIRCLE DRIVE EAST  
SUITE 200  
IRVING, TEXAS 75063.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Margaret L. Turner  
Appeals Judge